

**RESPONSE TO DRAFT STAFF ANALYSIS
ON PROPOSED PARAMETERS AND GUIDELINES**

Government Code Section 56425, subdivision (i)(1)
(formerly subd. (h) (1))

Statutes 2000, Chapter 761 (AB 2838)

Local Agency Formation Commissions

02-TC-23

Sacramento Metropolitan Fire District, Claimant

Test claimant Sacramento Metropolitan Fire District (hereinafter "District") submits the following in response to the Draft Staff Analysis issued August 12, 2009. Commission Staff recommends adoption of only two of the four proposed reimbursable activities.

Staff deleted the activity of *gather information from within the special district and from outside sources, as needed to prepare the written statements* on the ground that the limited information "should be easily available" so the "activity goes beyond the scope of the mandate." Staff also deleted the activity of *prepare for, attend, and present written statements at LAFCO meeting* on the ground that "it goes beyond the scope of the mandate" since there is no evidence "that special districts are required to submit their written statements at public LAFCO meetings."

Both stated grounds turn on the issues of the scope and requirements of the mandate statute. The statute admittedly does not address the preparation for the drafting of the required written statement nor does it require attendance at the LAFCO hearing. These points, however, are moot as activities outside the scope or not required are no bar to their consideration at the parameters and guidelines stage of the proceedings. As stated in regulation, in pertinent part:

(a) The parameters and guidelines shall describe the claimable reimbursable costs and contain the following information:

* * *

(4) Reimbursable Activities. A description of the specific costs and types of costs that are reimbursable, including one-time costs and on-going costs, and a description of the most reasonable methods of complying with the mandate. "The most reasonable methods of complying with the mandate" are those methods not specified in statute or executive order that are necessary to carry out the mandated program. (2 CCR § 1183.1, subd. (a)(4).) (Emphasis added.)

Thus, inclusion of activities beyond those mandated is envisioned in and supported by the regulations and the resulting discussion should be in terms of necessity and reasonableness.

1. Gather information from within the special district and from outside sources, as needed to prepare the written statements

Staff concludes, with little discussion, that the limited information that special district's need for their written statements "should be easily available" so the "activity goes beyond the scope of the mandate." As noted above, whether something is beyond the scope of the mandate is not relevant at this stage of the proceeding.

The issue before us is whether gathering information before drafting a required written statement is the most reasonable method for complying with the statute such that it is necessary to carry out the mandated program. Test Claimant answers this question in the affirmative.

Few, if any, of us can say that we could, without gathering any information, draft a written statement concerning our respective businesses or departments. Even if one can name all the services their business or department provides without assistance, there remain questions about what was filed before, what do other districts file, who drafted the prior document, the format of the document, or the method of filing. This information is not only necessary to the drafting and filing of the written statement, it is also the most reasonable method of compliance as it allows for accurate drafting and the mere updating of any prior statement. Thus time spent gathering information can yield time saving in the process of drafting that statement.

2. Prepare for, attend, and present written statements at LAFCO meeting

Staff concludes that preparing and attending the LAFCO meeting where the LAFCO is considering the district's written statements is not reimbursable since "it goes beyond the scope of the mandate" as there is no evidence "that special districts are required to submit their written statements at public LAFCO meetings." Whether something is required as part of the mandate is the issue at the initial hearing. Since this portion of the LAFCO

test claim has already been found by this Commission to be a state mandate, as stated above, discussion of requirements is not relevant at this stage of the proceeding.

The issue before us is whether preparing for and attending the LAFCO meeting where the statements are to be considered is the most reasonable method for complying with the statute such that it is necessary to carry out the mandated program. Test Claimant answers this question in the affirmative.

As Test Claimant has already stated and supported in the record, LAFCOs operate in a manner similar to Boards of Supervisors, City Councils, and even this Commission, in that the discussion of matters on the agenda with representatives before a final decision is reached is usual and customary. In looking at whether attendance at meetings is “necessary to carry out the mandate program”, the analysis takes us to the *sine qua non* of the mandate: communication with the LAFCO so it can carry out its responsibilities in compliance with law.

Government Code section 56425, subdivision (a) states:

In order to carry out its purposes and responsibilities for planning and shaping the logical and orderly development and coordination of local governmental agencies so as to advantageously provide for the present and future needs of the county and its communities, the commission shall develop and determine the sphere of influence of each local governmental agency within the county and enact policies designed to promote the logical and orderly development of areas within the sphere.

To further this purpose, the mandate legislation, Government Code section 56425, subdivision (h)(1) (subsequently renumbered to subdivision (i)(1)) “requires independent special districts to file written statements with the LAFCO, specifying the functions or classes of service provided by those districts ... when a LAFCO adopts or updates a sphere of influence for a special district....” This Commission found that this activity is a reimbursable state mandate. Filing statements is a method by which agencies communicate with their LAFCO. This communication requires the preparation of the statements to be filed, the drafting and filing of statements and, to bring the matter to its natural close, the appearance at the public meeting where those written statements are discussed and reviewed by the LAFCO. Since these discussions can raise questions, delineate unforeseen issues and lead the LAFCO in new directions, written statements alone are not always sufficient for the LAFCO to complete its business.

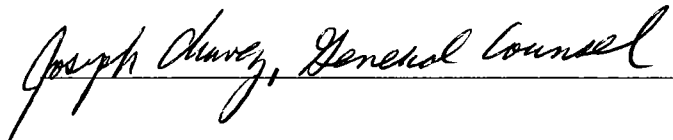
Conclusion:

Staff applied the wrong standard of proof and then concluded in error that two activities should be deleted. As based upon the argument, *supra*, the District requests that the Commission reinstate the two adopting the activities as set forth in the Claimant’s Revised Parameters and Guidelines.

CERTIFICATION

I declare under penalty of perjury under the laws of the State of California that the statements made in this document are true and correct, except as to those matters stated upon information and belief and as to those matters, I believe them to be true.

Executed this 1st day of September, 2009, at Sacramento, California, by:

A handwritten signature in cursive script, reading "Joseph Chavez, General Counsel", written over a horizontal line.

Sacramento Metropolitan Fire District

PROOF OF SERVICE BY MAIL

I, the undersigned, declare as follows:

I am a resident of the County of Sacramento, and I am over the age of 18 years and not a party to the within action. My place of employment is 3130 Kilgore Road, Suite 400, Rancho Cordova, CA 95670.

On September 3, 2009, I served:

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by placing a true copy thereof in an envelope addressed to each of the persons listed on the mailing list attached hereto, and by sealing and depositing said envelope in the United States mail at Rancho Cordova, California, with postage thereon fully prepaid.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed this 3rd day of September, 2009, at Rancho Cordova, California.


Declarant

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